
DECEMBER 30, 1805.

Read the first and second time, and committed to a committee of the whole House on Thursday next.

An Act,

To regulate the laying out and making a road from Cumberland, in the state of Maryland, to the state of Ohio.



1 Sec. 1. *BE it enacted by the Senate and House of Representatives*
2 *of the United States of America, in Congress assembled, That*
3 the president of the United States be, and he is hereby authorized
4 to appoint, by and with the advice and consent of the Senate, three
5 discreet and disinterested citizens of the United States, to lay out
6 a road from Cumberland, on the northern bank of the river Poto-
7 mac in the state of Maryland, to the state of Ohio: whose duty it
8 shall be, as soon as may be, after their appointment, to repair to
9 Cumberland aforesaid, and view the ground from thence to the
10 river Ohio, and to lay out in such direction as they shall judge,
11 under all circumstances, the most proper, a road from Cumberland
12 aforesaid, to the river Ohio, to strike the same at the most conve-
13 nient place, between a point on its eastern bank, opposite to the
14 northern boundary of Steubenville, in said state of Ohio, and the

15 mouth of Grave creek, which empties into the said river, a little
16 below Wheeling in Virginia.

1 Sec. 2. *And be it further enacted*, That the aforesaid road shall
2 be laid out four rods in width, and designated on each side by a
3 plain and distinguishable mark on a tree, or by the erection of a
4 stake or monument, sufficiently conspicuous, in every quarter of a
5 mile of the distance, at least, where the road pursues a straight
6 course so far or farther, and on each side, at every point where an
7 angle occurs in its course.

1 Sec. 3. *And be it further enacted*, That the commissioners shall,
2 as soon as may be, after they have laid out said road as aforesaid,
3 present to the president an accurate plan of the same, with its se-
4 veral courses and distances; accompanied by a written report of
5 their proceedings, describing the marks and monuments by which
6 the road is designated, and the face of the country over which it
7 passes, and pointing out the particular parts which they shall
8 judge require the most and immediate attention and amelioration;
9 and the probable expense of making the same passable in the most
10 difficult parts, and through the whole distance; designating the
11 state or states, through which said road has been laid out, and
12 the length of the several parts which are laid out on new ground, as
13 well as the length of those parts, laid out on the road now travelled.
14 Which report the president is hereby authorized to accept or reject,
15 in the whole or in part. If he accepts, he is hereby further autho-
16 rized and requested to pursue such measures, as in his opinion shall
17 be proper, to obtain consent, for making the road, of the state or

18 states through which the same has been laid out. Which consent
 19 being obtained, he is further authorized to take prompt and effec-
 20 tual measures to cause said road to be made through the whole dis-
 21 tance, or in any part or parts of the same, as he shall judge most
 22 conducive to the public good, having reference to the sum appro-
 23 priated for the purpose.

1 Sec. 4. *And be it further enacted,* That all parts of the road
 2 which the President shall direct to be made, in case the trees are
 3 standing, shall be cleared the whole width of four rods; and the
 4 road shall be raised in the middle of the carriage way, with stone,
 5 earth, or gravel and sand, or a combination of some or all of them,
 6 leaving or making, as the case may be, a ditch or water course on
 7 each side, and contiguous to said carriage way; and in no instance
 8 shall there be an elevation in said road, when finished, greater than
 9 an angle of five degrees with the horizon. But the manner of mak-
 10 ing said road, in every other particular, is left to the direction of the
 11 president.

1 Sec. 5. *And be it further enacted,* That said commissioners shall
 2 each receive six dollars per day, while employed as aforesaid, in
 3 full for their compensation, including all expenses. And they
 4 are hereby authorised to employ one surveyor, two chainmen, and
 5 one marker, for whose faithfulness and accuracy, they, the said com-
 6 missioners, shall be responsible, to attend them in laying out said
 7 road, who shall receive in full satisfaction for their wages, includ-
 8 ing all expenses, the surveyor four dollars per day, and each chain-
 9 man and the marker two dollars per day, while they shall be em-

10 played in said business; of which fact, a certificate signed by said
11 commissioners shall be deemed sufficient evidence.

1 Sec. 6. *And be it further enacted*, That the sum of fifty thousand
2 dollars be, and the same is hereby appropriated, to defray the ex-
3 pense of laying out and making said road. And the president is
4 hereby authorised to draw from time to time on the treasury, for
5 such parts, or at any one time, for the whole of said sum, as he
6 shall judge the service requires. Which sum of fifty thousand
7 dollars, shall be paid, first out of the fund of two per cent. reserved
8 for laying out and making roads to the state of Ohio, by virtue of
9 the seventh section of an act passed on the thirtieth day of April,
10 one thousand eight hundred and two, intituled, "An act to enable
11 the people of the eastern division of the territory north-west of
12 the river Ohio, to form a constitution and state government, and
13 for the admission of such state into the union, on an equal footing
14 with the original states, and for other purposes." Three per cent.
15 of the appropriation contained in said seventh section, being directed
16 by a subsequent law, to the laying out, opening, and making roads
17 within the said state of Ohio. And secondly, out of any money in
18 the treasury not otherwise appropriated, chargeable upon and re-
19 imburseable at the treasury by said fund of two per cent. as the same
20 shall accrue.

1 Sec. 7. *And be it further enacted*, That the president be, and
2 he is hereby requested to cause to be laid before congress, as soon
3 as convenience will permit, after the commencement of each session,
4 a statement of the proceedings under this act, that congress may
5 be enabled to adopt such further measures as may, from time to
6 time, be proper, under existing circumstances.